



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending February 14, 1998

Globe Program

In this highly competitive procurement [See the following two items] to produce instructional videotapes for the Globe program, Mark Langstein attended several oral presentations of firms in the competitive range. Debriefing of offerors has begun and two agency-level protests have been filed. Award is projected to be at the end of the month.

Billings Productions (Agency-Level Protest)

This is a GLOBE program protest against the agency's decision to exclude protestor's proposal from the competitive range and the determination not to give the proposal further consideration, on the ground of technical unacceptability. The protest was filed with the agency on February 1; and while it appears to be untimely, NOAA officials have decided to go ahead and provide protestor with a debriefing (which it had requested), after which time protestor will be allowed to either maintain its protest or supplement it within the requisite period of time. The debriefing occurred by telephone on February 5, during which time protestor was unable to convince the agency that its proposal met the RFP criteria. Terry H. Lee is advising.

Luminair Film Productions, Inc. (Agency-Level Protest)

This is another GLOBE program protest against the agency's decision to exclude protestor's proposal from the competitive range and the determination not to give the proposal further consideration, on the ground of technical unacceptability. The protest was filed with the agency on February 4. The protestor was advised of the bases for its exclusion from the competitive range in writing on January 13 and during an oral debriefing on January 23. The protest is untimely, having been filed more than 10 calendar days after it knew or should have known of the basis for its protest. Consequently, we are preparing a recommended decision dismissing the protest as untimely. Terry H. Lee has the matter.

Life-Cycle Management

We attended a meeting of the CONOPS team to review the draft Project Agreement in this procurement to obtain Advisory and Assistance Services for the AS Admin/CIO to help assess the

status of major Departmental programs. The final Project Agreement will be presented to the Assistant Secretary at the end of the week. Mark Langstein is advising.

HCHB Shipping, Receiving and Moving Services

Mark Langstein attended a meeting with Hugh Brennan and the Contracting Officer to determine whether the Department should continue to use Fairfax Opportunities Unlimited, a handicapped provider, to continue performing HCHB shipping, receiving and moving services. Although FOU has not performed well overall, we decided to permit it to continue to perform shipping and receiving, for which performance has been satisfactory, and designate the moving component as an 8(a) procurement. These actions may be challenged (in part under Adarand) by a former incumbent who is seeking to regain this contract.

NOAA Class VIII Supercomputer Procurement

We have assisted the project team in resolving several issues which arose in connection with the submission of vendor offers. Oral presentations by offerors will take place over the next two weeks; we will attend and assist the team. Fred Kopatich is advising.

Actions Completed/Received during Period

	From 2/1/98	To 2/14/98
	Received	Completed
NIST	6	6
NOAA	8	13
OIG	1	0
PTO	2	4
Total	17	23

Contract Law Division—Client Workload Period Ending 02/14/98

